

DECLARATION OF TOBY L. PLEVIN

I, Toby L. Plevin, declare as follows:

1. I am counsel of record for Bent Corydon in the within proceeding.

2. There is no Transcript of Proceedings of the hearing at which this Court considered defendants' motion for a protective order. However to the best of my recollection, when ruling on defendants' motion the Court stated that they could not prevent percipient witnesses from testifying.

3. Submitted herewith as Exhibits A and B are true copies of letters I received from Lawrence Heller dated November 3, 1989 and October 17, 1989, respectively.

4. Lawrence E. Heller has appeared as counsel for deponents in this matter, Ronald DeWolf and Howard E. (Homer) Schomer on February 19 and March 7, respectively.

5. Attached as Exhibit I is a true copy of excerpts from testimony given by Schomer in another lawsuit. The entirety of his testimony is being lodged separately with the Court. 6.I have read many pages of testimony in several lawsuits and many declarations by signatories against Scientology. These people were called to testify against Scientology and testified at length about fraud, violence, other criminal activities of Scientology, the abuse of confidences and many other things damaging to Scientology.

7. I have reviewed the Settlement Agreement of Margery Wakefield which was one of four reviewed and approved at the same time in a Florida federal court. Unlike the Armstrong and Franks agreements, that agreement does not contain the provision

1 requiring that individuals avoid service of process.

2 Accordingly, there is no evidence that any court has approved the  
3 language which Corydon contends is illegal. As the Wakefield  
4 settlement agreement referred to in this is under seal,  
5 unfortunately it can not be attached hereto.

6 8. I am cognizant of this Court's admonition to counsel in  
7 this case not to request sanctions as a matter of routine.  
8 However, the conduct which has forced plaintiff's counsel to  
9 prepare this motion is egregious and can have no pretext of being  
10 consistent with the ethical duties attorneys are sworn to uphold.  
11 Accordingly, I request sanctions to reimburse plaintiff for the  
12 substantial expenditures involved in the DeWolf and Schomer  
13 depositions because the misconduct described herein has rendered  
14 those efforts wasteful. Plaintiff seeks sanctions under C.C.P.  
15 section 128.5, separate and apart from remedies that may be  
16 available pursuant to motions to compel, in the amount of  
17 \$4,899.75 as follows: (a) the court reporter fees for the DeWolf  
18 deposition \$656.00; (b) the court reporter fees for the first day  
19 of the Schomer deposition, \$1,143.75; (3) attorney fees for both  
20 depositions (12 hrs times \$175.00), totalling \$2,100.00; (4)  
21 attorney travel time and travel expenses to Carson City Nevada,  
22 \$900.00.

23 Sworn under penalty of perjury under the laws of the State of  
24 California this \_\_\_\_ day of March, 1990.

25  
26 Toby L. Plevin, Attorney for  
27 Plaintiff  
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